

# AGENDA



## BERKELEY CITY COUNCIL MEETING

TUESDAY, JULY 10, 2012

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TELECONFERENCE LOCATION:

130 SAN VICENTE BLVD., APT 142B, SANTA MONICA, CA 90402

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – DARRYL MOORE  
DISTRICT 3 – MAX ANDERSON  
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – GORDON WOZNAK

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

*In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## **Consent Calendar**

*The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.*

- 1. Amendment to Berkeley Election Reform Act, Adding BMC Section 2.12.335**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Adopt second reading of Ordinance No. 7,253–N.S. amending the Berkeley Election Reform Act (BERA) to add Berkeley Municipal Code section 2.12.335, requiring disclosure on campaign communications of the committee's name and certain contributions and loans received by the committee.  
**First Reading Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Mayor Bates; Noes – Worthington; Abstain – Anderson; Absent – Wozniak.  
**Financial Implications:** Staff time  
Contact: Kristy van Herick, Commission Secretary, 981-6986
- 2. FY 2013 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,254–N.S. adopting the FY 2013 Annual Appropriations Ordinance (AAO) in the amount of \$364,920,134 (gross appropriations) and \$313,563,163 (net appropriations).  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

## Consent Calendar

**3. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on July 10, 2012**

**From: City Manager**

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Various Funds - \$550,000

Contact: Robert Hicks, Finance, 981-7300

**4. 3135 Harper Street Request for Proposals for Affordable Housing Development**

**From: City Manager**

**Recommendation:** Adopt a Resolution:

1. Directing the City Manager to negotiate with Satellite Housing to develop (a) a more refined financing plan, including working with the Berkeley Housing Authority regarding a potential allocation of project-based Section 8, and (b) a plan for site control of the 3135 Harper Street site sufficient to allow it to apply for Low Income Housing Tax Credits in March 2013, and to return to Council prior to December 31, 2012 when the current Housing Trust Fund round will close; and

2. Establishing a deadline of December 31, 2013 for Satellite to secure project financing.

**Financial Implications:** See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

**5. Contract: Bay Area Community Resources for Placement of Americorps Interns**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an expenditure contract with Bay Area Community Resources (BACR) for the purpose of placing Americorps interns at the Berkeley High School Health Center (BHSCH) and the Vera Casey Pregnant and Parenting Teen Program in the amount of \$70,000 for FY 2013.

**Financial Implications:** Various Funds - \$70,000

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

**6. Contract: TranSystems, Inc. for South Cove Public Dock Improvement Project Design Phase**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with TranSystems, Inc. in an amount not to exceed \$139,365 for design services for the South Cove Public Dock Improvement Project design phase.

**Financial Implications:** Dept. of Boating and Waterway Fund - \$139,365 (grant)

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Consent Calendar

7. **License Agreement: Berkeley Partners for Parks - Tool Lock-up Storage Area and Lockers at Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a license agreement with Berkeley Partners for Parks ("BPFP") on behalf of its partner group, Aquatic Park EGRET ("EGRET") to use the City's Tool Lock-up Storage Area and Lockers at the south end of Berkeley Aquatic Park.  
**Financial Implications:** Park Tax Funds - \$6,000 (approx)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
8. **Donation from Wareham Development for Pedestrian Beacons at 7th Street & Anthony Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:  
1. Accepting a donation in the amount of \$25,000 from Wareham Development for purchase and installation of solar powered pedestrian activated rectangular rapid flashing beacons for the crosswalk on the north leg of the intersection of 7th Street and Anthony Street; and  
2. Authorizing the City Manager to enter into agreements necessary for purchase and installation of solar powered pedestrian activated rectangular rapid flashing beacons at the intersection of 7th Street and Anthony Street.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300
9. **Parking Citation Fines for Enforcement of Violations of Disabled Person Parking, Pay-and- Display (P&D) Stations in Off-street Parking Lots, and Establishing the Zone and Annual Notification for Football Day Citations**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Updating the schedule of fines for parking violations and late payment penalties:  
a. Establishing civil penalties for the fraudulent use of Disabled Person (DP) placards and license plates, as set forth under California Vehicle Code (CVC) violations of CVC 4461 (b), (c) and (d), in the amount of \$500 per citation, plus a 10% state-required assessment; and  
b. Adding the state-required additional assessment equal to 10% of the penalty established for a violation of CVC Section 22507.8 (parking in a disabled space or cross-hatched area), and CVC Section 22522 (parking within 3 feet of a sidewalk ramp); and  
c. Setting fines for violations related to Pay-and-Display Stations that are located in off-street parking lots; and  
d. Rescinding Resolution No. 65,080–N.S.  
2. Establishing the zone for football day citations as north to (not including) Cedar Street, south and east to the Berkeley-Oakland city limits, and west to Oxford and Fulton Streets; and authorizing the City Manager to make an annual determination and notice of dates on which football day violations will be issued.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300

## Consent Calendar

- 10. Contract No. 7961A Amendment: Kitchell CEM, Inc. for the Provision of Services for the Branch Library Bond Program**  
**From: Board of Library Trustees**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7961A with Kitchell CEM, Inc. for the provision of construction / project management and LEED commissioning agent services for the branch library bond program, Measure FF, by increasing the expenditure authority \$175,000 for a revised contracted total amount not to exceed \$1,373,580.  
**Financial Implications:** Measure FF Fund - \$175,000  
Contact: Donna Corbeil, Library Services, 981-6195
- 11. Contract No. 8061B Amendment: Field Paoli Architects for Architectural and Engineering Services**  
**From: Board of Library Trustees**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8061B with Field Paoli Architects by increasing the spending authority by \$30,000 for a revised contracted total amount not to exceed \$893,500.  
**Financial Implications:** Measure FF Fund - \$30,000  
Contact: Donna Corbeil, Library Services, 981-6195
- 12. Contract No. 8158B Amendment: Gould Evans / Baum Thornley Architects for Architectural and Engineering Services**  
**From: Board of Library Trustees**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8158B with Gould Evans / Baum Thornley Architects by increasing the spending authority by \$15,000 for a revised contracted total amount not to exceed \$637,132.  
**Financial Implications:** Measure FF Fund - \$15,000  
Contact: Donna Corbeil, Library Services, 981-6195
- 13. Child Care Subsidy Voucher Program using the Child Care Mitigation Operating Subsidy Fund**  
**From: Commission on Early Childhood Education**  
**Recommendation:** Adopt a Resolution approving the Child Care Subsidy Voucher Program using the Child Care Mitigation Operating Subsidy Fund as described in Exhibit A.  
**Financial Implications:** See report  
Contact: Tanya Moore, Commission Secretary, 981-6705

## Council Consent Items

- 14. Opposition to Assembly Bill 1569: Extending Laura's Law, Involuntary Outpatient Commitment**  
**From: Councilmember Arreguin**  
**Recommendation:** Send a letter to the California State Legislature expressing opposition to Assembly Bill 1569, which extends the sunset date for Laura's Law (California Welfare and Institutions Code Section 5349.5) to January 1, 2017, to continue to provide counties with the option to implement involuntary outpatient commitment for mentally ill persons.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

## Council Consent Items

15. **\*\*Removed from Agenda by Councilmember\*\*Parklets Pilot Program**  
**From: Councilmember Capitelli**  
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
16. **Amendments to the Soft Story Ordinance**  
**From: Councilmembers Capitelli and Arreguin**  
**Recommendation:** That the City Manager develop language amending BMC 19.39 that would require owners of multi-unit residential buildings of 5 or more units, that have previously been identified by the City of Berkeley as containing soft, weak, or open front stories – “soft story” buildings – to retrofit their buildings within an appropriate time frame as determined by Council.  
**Financial Implications:** See report  
Contact: Laurie Capitelli, Councilmember, District 5, 510-981-7150 and  
Jesse Arreguin, Councilmember, District 4, 510-981-7140
17. **Berkeley Partners for Parks to Fund the Berkeley Rose Garden 75th Anniversary Event: Relinquishment of Council Office Budget Funds to General Funds and Grant of Such Funds**  
**From: Councilmember Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember to the Berkeley Partners for Parks to fund the Berkeley Rose Garden 75th Anniversary Event with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Susan Wengraf and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$500  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

## Action Calendar

*After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

## Action Calendar – Public Hearings

**18. Public Hearing and Determination Regarding Revocation of Administrative Use Permit: Acupressure Health Center - 1610 University Avenue**

**From: City Manager**

**Recommendation:** Conduct a public hearing pursuant to Berkeley Municipal Code (BMC) Section 23B.60.050 and, upon conclusion:

1. Direct staff to return with a Resolution on July 24, 2012 determining that 1610 University Avenue has: a) Failed to comply with the conditions of Administrative Use Permit No. 10-20000081; and b) Substantially changed in character beyond that set forth in Administrative Use Permit No. 10-20000081 under BMC 23B.60, and order that Administrative Use Permit No. 10-20000081 be revoked.
2. Continue the Council's consideration to July 24, 2012 for adoption of the Resolution.

**Financial Implications:** None

Contact: William Rogers, City Manager's Office, 981-7000

**19. Public Hearing and Determination Regarding Revocation of Use Permit: Berkeley Alouette - 1443 University Avenue**

**From: City Manager**

**Recommendation:** Conduct a public hearing pursuant to Berkeley Municipal Code (BMC) Section 23B.60.050 and, upon conclusion:

1. Direct staff to return with a Resolution on July 24, 2012 determining that 1443 University Avenue has: a) Failed to comply with the conditions of Use Permit No. 7845; and b) Substantially changed in character beyond that set forth in Use Permit No. 7845 under BMC Chapter 23B.60, and order that Use Permit No. 7845 be revoked.
2. Continue the Council's consideration to July 24, 2012 for adoption of the Resolution.

**Financial Implications:** None

Contact: William Rogers, City Manager's Office, 981-7000

## Action Calendar – Old Business

**20. Proposed Revenue Ballot Measures for November 2012 Election** *(Continued from June 26, 2012)*

**a. Analysis of Proposed Revenue Measures for November 2012**

**From: City Manager**

**Recommendation:** Discuss analysis of measures for the November 2012 ballot, and provide direction regarding any modifications to language for the measures.

**Financial Implications:** See report

Contact: William Rogers, Interim Deputy City Manager, 981-7000

**b. General Obligation Bond Measure for Watershed and Related Street Improvements**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution Determining Public Interest and Necessity for Issuing a General Obligation Bond in the Amount of \$30 Million for Watershed and Related Street Improvements and Submitting to the Berkeley Electorate a Measure to Authorize a General Obligation Bond for Those Improvements.
2. Adopt a Resolution Authorizing the City of Berkeley to Incur Bonded Debt and Issue a General Obligation Bond for Watershed and Related Street Improvements for Environmental Quality and Flood Mitigation.

## Action Calendar – Old Business

3. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Zach Cowan, City Attorney, 981-6950

### **c. General Obligation Bond Measure for Streets and Related Watershed Improvements**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution Determining Public Interest and Necessity for Issuing a General Obligation Bond in the Amount of either \$30 million or \$50 million for Street and Related Watershed Improvements and Submitting to the Berkeley Electorate a Measure to Authorize a General Obligation Bond for Those Improvements.
2. Adopt a Resolution Authorizing the City of Berkeley to Incur Bonded Debt and Issue a General Obligation Bond for Street and Related Watershed Improvements.
3. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Zach Cowan, City Attorney, 981-6950

### **d. Investing in Sustainability: Streets Audit Follow-up and Stormwater**

**From: Auditor**

**Recommendation:** Consider the information from last year's performance audit "Failing Streets: Time to Change Direction to Achieve Sustainability" as part of decisions on revenue ballot measures.

**Financial Implications:** See report

Contact: Ann-Marie Hogan, City Auditor, 981-6750

### **21. Contribution Limits on Contractors doing Business with the City (Continued from June 26, 2012)**

**From: Councilmember Arreguín**

**Recommendation:** Refer to the Fair Campaign Practices Commission (FCPC) for consideration the issue of prohibiting contributions by contractors doing business with the City and the Berkeley Unified School District.

**Financial Implications:** Unknown

Contact: Jesse Arreguín, Councilmember, District 4, 981-7140

### **22. Referral to City Manager: Streamlined Affidavit of Residency Ordinance (Continued from June 26, 2012)**

**From: Councilmember Arreguín**

**Recommendation:** Refer to the City Manager the attached amendment to B.M.C. Section 2.04.145 (the Affidavit of Residency requirement) to develop ordinance language and bring back to Council a proposed Ordinance.

**Financial Implications:** See report

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140



## Action Calendar – Old Business

23. **Referral to City Manager: Comprehensive Single Use Plastic Bag Ban/Paper Bag Fee Ordinance** *(Continued from June 26, 2012)*  
**From: Councilmember Worthington**  
**Recommendation:** Request from the City Manager an estimate of the minimum dollar amount necessary to begin a City of Berkeley Single Use Plastic Bag Ban/Paper Bag Fee Ordinance simultaneous with the County of Alameda for all retail non-restaurant businesses.  
**Financial Implications:** To be determined  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
24. **Requesting Alameda County Recorder of Deeds Help Stopping Foreclosures** *(Continued from June 26, 2012)*  
**From: Councilmember Worthington**  
**Recommendation:** Send a letter to the Alameda County Recorder of Deeds and Sheriff in regards to a local action plan about stopping foreclosures.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
25. **Delivery Vehicles on Telegraph Ave** *(Continued from June 12, 2012)*  
**From: Mayor Bates**  
**Recommendation:** Refer to the Transportation Commission amendments to BMC Chapter 14.56 that would limit deliveries to businesses on Telegraph Avenue between Dwight Way and Bancroft Way to delivery vehicles of 30 feet or less, and only between 6 a.m. and 11 a.m.  
**Financial Implications:** Unknown  
Contact: Tom Bates, Mayor, 981-7100
26. **Five-Minute Grace Period at Pay-and-Display Parking Meters** *(Continued from May 29, 2012)*  
**From: Councilmember Capitelli**  
**Recommendation:** Adopt a Resolution establishing a five-minute grace period for vehicles where a valid receipt from a pay-and-display meter is appropriately displayed.  
**Financial Implications:** Unknown  
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

## Action Calendar – New Business

27. **West Berkeley Project**  
**From: City Manager**  
**Recommendation:**
1. Adopt a Resolution certifying the Final Environmental Impact Report (FEIR) for the Master Use Permit amendments to the West Berkeley Plan and Zoning Ordinance and adopting CEQA findings and the Mitigation Monitoring Program;
  2. Adopt a Resolution placing the attached measure to adopt the Master Use Permit Amendments on the ballot at the November 6, 2012 General Municipal Election.
  3. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

## **Action Calendar – New Business**

4. Adopt a Resolution referring the issues of Community Benefit Agreements, an Aquatic Park Protection Package and site aggregation to the Planning Commission.

**Financial Implications:** See report

Contact: Zach Cowan, City Attorney, 981-6950

### **28. Sitting on Commercial Sidewalks Ballot Measure**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution placing the attached measure to adopt an ordinance prohibiting sitting on commercial sidewalks on the ballot for the November 6, 2012 General Municipal Election.

2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Zach Cowan, City Attorney, 981-6950

### **29. Initiative Petition - FACTS Ordinance**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting the Ordinance, without alteration, to a vote of the People at the November 6, 2012 General Municipal Election.

2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, Acting City Clerk, 981-6900

## **Information Reports**

### **30. FY 2013-2014 Civic Arts Grant Requests**

**From: City Manager**

Contact: Michael Caplan, Economic Development, 981-7530

### **31. 48/96 Schedule Information Report - 4th Quarter**

**From: City Manager**

Contact: Debra Pryor, Fire, 981-3473

### **32. Status Report: Leases Audit: Conflicting Directives Hinder Contract Oversight**

**From: City Manager**

Contact: Andrew Clough, Public Works, 981-6300

## **Public Comment – Including Items Not Listed on the Agenda –**

### **Adjournment in memory of:**

- Norman Rabkin

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:*  
1) *No lawsuit challenging a City decision to deny (Code Civ. Proc., 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred.* 2) *In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Archived indexed video streams are available at <http://www.ci.berkeley.ca.us/citycouncil>.  
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.ci.berkeley.ca.us/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@ci.berkeley.ca.us](mailto:clerk@ci.berkeley.ca.us)

Libraries:  
Main - 2090 Kittredge Street  
Claremont Branch – 2940 Benvenue  
  
North Branch – 1170 The Alameda

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 28, 2012.***

A handwritten signature in black ink, appearing to read 'Mark Numainville'.

Mark Numainville, Acting City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Legislative Bill Opposition**

1. Jason Scalese, on behalf of the Coalition to Protect Our Freedom to Drive

### **Berkeley Patients Group**

2. Nunya BNess

### **Sunshine Ordinance**

3. Ted Edlin

### **2301 Durant Aveune**

4. Jack Sawyer

### **Parking Citation Matter**

5. Gayle Cepparo